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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,602	12/08/1999	FLORENCE C.I. PAGAN	9506-9A	9056
826	7590	07/26/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			KLIMACH, PAULA W	
		ART UNIT	PAPER NUMBER	
		2135		

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/458,602	PAGAN ET AL.
	Examiner	Art Unit
	Paula W. Klimach	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 02 May 2005.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/02/05 has been entered.

***Priority***

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119 (e) as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The provisional application 60111497 does teach in Fig 1, the authentication, authorization, and accounting, however the provisional application does not teach that no additional configuration software need be installed on the user's computer (as claimed in claim 1 and 9) to perform the steps as disclosed in Fig. 1.

The applicant argued that the teaching of “no special authentication software need be installed on the user’s computer to access the destination address,” is inherent. The examiner wishes to disagree. This teaching is not inherent since there are different methods of authentication wherein special authentication software is required.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 7, 9, 11-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (6,253,327) in view of Bartoli et al (6,047,268).

*In reference to claims 1 and 9*, Zhang discloses a method for authorizing, authenticating and accounting users having transparent access to a destination network (abstract), wherein the users otherwise have access to a home network through home network settings resident on the user's computers, and wherein the users can access the destination network without altering the home network settings, comprising:

Receiving at a gateway device a request from a user for access to the destination network (column 6 lines 24-32 in combination with column 7 lines 8-10). The user (host) requests access to the network by using the dial up networking application.

Identifying an attribute associated with the user based upon a packet received by the gateway device. The authentication packet includes information like the user-name and private

password, which are attributes associated with the user, and the packet is sent to the gateway from the host (user). The applicant discloses a packet that is transmitted from the user's computer, wherein the user's computer remains configured for accessing the home network. Zhang discloses a similar system wherein the packet is transmitted from the user's (host's) computer while remaining configured to access the home network because the system is still able to access the public network while accessing information on the private network (column 5 lines 20-40). Zhang's system requires no additional configuration software installed on the user's computer to access the destination network, since the user does not have to log on again to access other networks (column 7 line 66 to column 8 line 7).

Accessing a user profile corresponding to the user and stored in a user profile database, where the user profile is accessed based upon the attribute associated with the user (column 7 lines 12-17).

Determining if the user is entitled to access the destination network based upon the user profile ((column 7 lines 12-17)).

Although Zhang discloses the authentication, authorization, and accounting performed in the gateway, however, Zhang does not expressly disclose a system wherein no special authentication software need be installed on the user's computer to access the destination address.

Bartoli discloses the authentication, authorization, and accounting performed in the gateway, however, Zhang does not expressly disclose a system wherein no special authentication software need be installed on the user's computer to access the destination address (column 3 lines 42-47).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the browser in the authentication system of Bartoli in the system of Zhang. One of ordinary skill in the art would have been motivated to do this because it would reduce the cost of putting up the system since the cost of the special software would

*In reference to claim 2*, wherein a location identifier is assigned to the location from which requests for access to the destination network are transmitted, and wherein the location identifier is the attribute associated with the user (column 8 lines 18-36).

*In reference to claims 7 and 11*, wherein determining if the user is entitled to access the destination network further comprises denying the user access where the user profile indicates that the user is denied access (fig. 5 in combination with column 7 lines 25-30).

*In reference to claim 12*, wherein the AAA server is located within the gateway device. The Authentication, Authorization and Accounting server is located within the device that contains the SSG therefore the whole unit would work as a gateway device (Fig. 4).

*In reference to claim 13*, wherein the user profile database includes a plurality of user profiles, wherein each respective user profile of the plurality of user profiles contains access information (column 7 lines 12-17). Zhang discloses the user profiles and therefore a plurality of user profiles are stored. The profiles are also unique to the user and are used for authentication therefore they are used for access information.

*In reference to claim 14*, wherein the user profile database is located within the AAA server (column 7 lines 12-17).

**Claims 3-6, 8 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang in view of Bartoli as applied to claims 1 and 9 above, and further in view of Lim et al (6,434,619 B1).

*In reference to claim 3*, wherein the user database is updated when a new user accesses the destination network.

Zhang does not expressly disclose a system wherein the database is updated when a new user accesses the destination network

Lim discloses a system in which the database is maintained (column 4 lines 36-38), therefore when there is a new user the database would be updated, since updating is a part of maintaining.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to maintain the database for new users as the method of Lim in the system by Zhang. One of ordinary skill in the art would have been motivated to do this because this would enable the system to increase the number of user's when the amount of memory allows.

*In reference to claim 4*, wherein a historical log of the user's access to the destination network is maintained in the user profile.

Zhang does not expressly disclose a historical log of the user's access to the destination network being maintained in the user profile.

Lim discloses a log kept of the time and date when the user accessed their account on the network (column 7 lines 27-38).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to maintain a historical log of the user's access to the destination network as in the

method by Lim in the system by Zhang. One of ordinary skill in the art would have been motivated to do this because it would assist in keeping track of user activity.

*In reference to claim 15*, wherein each respective user profile contains historical data relating to the duration of destination network access for use in determining the charges due for the destination network access (column 7 lines 27-38).

*In reference to claims 5 and 10*, Zhang does not expressly disclose a system wherein the attribute associated, with the user is based upon a VLAN ID assigned to the location from which the request for access to the destination address was transmitted.

Lim discloses a system in which the ID that is associated with the location from which the request for access to the destination address was transmitted. The ID is the IP address of the user (column 9 lines 11-15).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use and ID associated with the location from which the request for access to the destination address was transmitted. One of ordinary skill in the art would have been motivated to do this because the user would then not be able to discover the existence of other users because they would only be able to access their own information.

*In reference to claim 6*, Zhang does not expressly disclose a system wherein receiving at the gateway device a request from a user for access comprises the step of receiving an Internet destination address from the user (Fig. 4).

Lim discloses a system that includes the domain of the destination server. This is equivalent to the Internet destination address.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to receive the Internet destination address as in the method disclosed by Lim at the gateway device of the system disclosed by Zhang. One of ordinary skill in the art would have been motivated to do this because the Internet destination address is used to determine which network the user is gaining access to.

*In reference to claim 8*, wherein determining if the user is entitled to access the destination network further comprises directing the user to a login page where the user profile is not located within the user profile database (Lim, column 4 lines 19-24 in combination with column 4 lines 36-38).

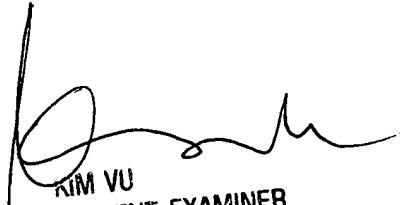
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK  
Wednesday, July 20, 2005



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